

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

NOTICE OF MOTION NO.3729 OF 2004

IN

PAUPER PETITION NO.2 OF 2004

IN

SUIT NO. OF 2004

...

Isravati wd/o Ramraj Tirpathi ...Petitioner

v/s.

Nisha alias Sukumari wd/o

Ramkrishna Tiwari & Ors. ...Respondents

And

Khimji Ratanshi Shah ...Applicant

...

Mr.V.R.Tripathi for the Petitioner.

Mr.Vinay J. Hegde for the Applicant.

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD DECEMBER, 2005

P.C.:

As the applicant is a tenant and the suit does not seek eviction of the tenant, in view of the provisions of sub-rule 1 of Section 1 of Order 40 of CPC, the Receiver will not have an authority to disposses the applicant. Motion is, therefore, disposed of.

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